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January 28, 2017

Judge James L. Cott
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312
(212) 805-0250

Re: *Greer v. Mehiel*, *et al*, Civil Action No. 1:15-cv-06119 (AJN)(JLC)

Dear Judge Cott:

I am the *pro se* Plaintiff in this instant matter of *Greer v. Mehiel*, *et al*. and am writing this letter in reply to the BPCA's letter filed on January 27th (Dkt. No. 236) opposing my motion requesting clarification on methods of conducting depositions. In their letter, the BPCA lawyers are basing their opposition on false premise and assumptions.

A) I never wrote in my motion that I would allow the notary public to leave the room as I alone recorded the depositions.
B) I never wrote that I would be the only one to have possession of the video recordings.
C) I never wrote that I would not allow the BPCA to bring a court reporter and/or camera of their own.
D) I never wrote that I would try to admit as evidence video recordings of depositions without first having an official transcript made.

In Section I, paragraph 1 of the BPCA letter, they wrote:

> "Plaintiff has proposed: (1) to swear in the witnesses with a notary public, who would thereafter be free to depart the deposition, (2) to record the depositions using video or audio equipment only, and (3) to utilize these recordings as the official record of the depositions."

However, those three statements are factually incorrect. Nowhere in my letter motion did I state any of that. What I did state was:

> "It is my belief that I am allowed to swear in the parties using a notary, then record the sessions using audio or video electronics. The costly court reporter steps would be obviated in this manner. I plan to conduct these in the federal court building. Could you please rule whether this will be acceptable methodology?"

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In Section I, paragraph 3 of the BPCA letter, they wrote:

> "Second [sic], the Court should reject Mr. Greer's proposal to the extent that Plaintiff, as the recording party, would end up being the sole custodian of the official recordings of the depositions at issue, which is improper…"

However, again, I never stated this anywhere in my letter motion. Copies of the video could easily be made and transferred to the BPCA's computer memory in the courthouse immediately after conclusion of the deposition. The BPCA lawyers are also free to bring in their own recording devices.

In Section I, paragraph 4 of the BPCA letter, they wrote:

> "Third [sic], Plaintiff's proposal should be rejected because, absent a properly prepared and verified transcript of the depositions, none of the deposed witnesses' testimony could be introduced into evidence at trial. Under Fed. R. Civ. P. Rule 32(c), the proponent of a deponent's testimony necessitates that the party proffering such evidence "provide a transcript of any deposition testimony the party offers.""

However, again, I never stated this anywhere in my letter motion. If I deem the depositions useful to my case, then I will hire a court reporter to make official transcripts. Of course, the BPCA would be free to do this as well.

F.R.C.P 30 states, "…Any party may arrange to transcribe a deposition." It does not state "must" or mandate that a court reporter be used, and the BPCA provided no such case law to support their argument.

In Section I, paragraph 5 of the BPCA letter, they ask Your Honor to order me to not publish, presumably on BatteryPark.TV, any part of the recorded depositions. While I have no intention of doing this, I disagree that the protective order preemptively grants this confidentiality and revokes my First Amendment rights to freedom of the press. In fact, videotaped depositions routinely make it into the press, even if it is video of President Trump being deposed. The BPCA lawyers want this Court to allow their wealthy and politically connected clients to be above the standard of law used for everyone else.

In Section II of the BPCA letter, they oppose my request to have their deposition of me take place in the same courtroom on the same days that I will be conducting my depositions of them. My proposal is not only is this the most efficient use of everyone's time and avoids travel in the most congested city in the country, but it is also a more neutral venue for me.

I am a one-man *pro se* litigant. If I go to the offices of the lawyers, I will be surrounded by dozens of hostile opponents, which would unnerve anyone.

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Indeed, one of the main purposes of depositions is to make them intimidating punishment. The new discovery rules set in place by Chief Justice Roberts are meant to stop this type of harassment.

In Footnote #1 of the letter, the BPCA lawyers are strangely opposing notices of deposition that are no longer relevant. Those were all cancelled when this Court stayed discovery.

On a procedural note, the BPCA lawyers failed to sign their letter reply. Therefore, it should be dismissed.

Of note, in the first paragraph of the BPCA letter they claim to have found erratum in one of my sentences and inserted [sic]. However, this is posturing on their part attempting to make me look silly. There is nothing grammatically wrong with, "Could you please rule whether this will be acceptable methodology?"

In conclusion, for the reasons outlined above, the BPCA lawyers' opposition to my letter motion is based on false premises and wrong assumptions. Their arguments should be dismissed entirely.

Sincerely,

Steven Greer

Steven E. Greer, MD